

MAY 30 2007 13:25 FR THOMSON LICENSING 609 734 6888 TO 815712738300 P.01

Serial Number
09/110,615

BTSPH097095

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MAY 30 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Berthold Eiberger
Title: Infrared Scanning Of Sprocket Holes
Serial No.: 09/110,615
Filed: July 6, 1998
Art Unit: 2613
Examiner: A. Wong
Customer # 24498

PETITION TO THE DIRECTOR UNDER 37 C.F.R. 1.181 TO WITHDRAW
ABANDONMENT

Commissioner for Patents
Alexandria, Virginia 22313-1450

Sir:

Applicant requests that the Office withdraw its finding of abandonment for this application for the following reasons:

1. On January 22, 2002, the United States Patent and Trademark Office mailed an Office Action for this Application.
2. On June 30, 2003, a Notice of Abandonment was mailed by the United States Patent and Trademark Office indicating that this application was abandoned.
3. On August 12, 2003, the Applicant mailed a response under 37 C.F.R. 1.111 and a Petition to Revive this case under 37 C.F.R. 1.137(b). This is listed as Exhibit A.
4. On August 29, 2003, the Office of Petitions mailed a decision reversing the abandonment of this application. This is listed as Exhibit B.

MAY 30 2007 13:26 FR THOMSON LICENSING 609 734 6888 TO 815712738300

P.02

Serial Number
09/110,615

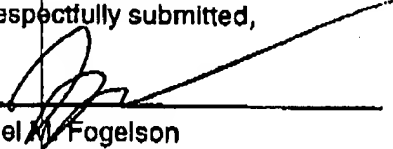
BTSPH097095

Apparently, this reversal was never entered into PAIR nor forwarded to the Examiner for consideration of the Office Action.

Applicant therefore submits that the application should not be abandoned and therefore should have the comments in the Office Action mailed on August 12, 2003 be considered.

It is believed that no fee is owed in connection with this petition, if however one is owed, please charge Deposit Account 07-0832.

Respectfully submitted,


By: Joel M. Fogelson
Reg. No. 43, 613
Phone (609) 734-6809

Patent Operations
Thomson Licensing Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312
May 29, 2007

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Approved for use through 10/31/2002. OMB 0851-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
A valid OMB control number.

FEE TRANSMITTAL for FY 2003 <i>Patent fees are subject to annual revision.</i>		Complete if Known	
		Application Number	09/110,815
		Filing Date	07/08/1998
		First Named Inventor	Berthold Elberger
		Examiner Name	A. Wong
		Group / Art Unit	2813
		Attorney Docket No.	8T8PH097096
TOTAL AMOUNT OF PAYMENT (\$)		1300	

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																																																																																																																																		
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: 07-0532 Deposit Account Name: THOMSON multimedia Licensing Inc. <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.37		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>150</td><td>205</td><td>Surcharge - late filing fee or cash</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>180</td><td>139</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>For filing a request for reconsideration</td><td></td></tr> <tr><td>112</td><td>520</td><td>112</td><td>Requesting publication of SFR prior to Examiner action</td><td></td></tr> <tr><td>119</td><td>1,840</td><td>113</td><td>Requesting publication of SFR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>690</td><td>217</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,450</td><td>218</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>129</td><td>1,990</td><td>229</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>820</td><td>220</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>Request for oral hearing</td><td></td></tr> <tr><td>128</td><td>1,510</td><td>138</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>Petition to revive - unprejudicial</td><td></td></tr> <tr><td>141</td><td>1,300</td><td>241</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>Utility issue fee (or release)</td><td></td></tr> <tr><td>143</td><td>480</td><td>243</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>800</td><td>244</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>Processing fee under 37 CFR 1.17 (c)</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>Submission of Information Disclosure Sheet</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>Recording each patent assignment per property (limit number of properties)</td><td></td></tr> <tr><td>148</td><td>740</td><td>248</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>740</td><td>249</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>740</td><td>279</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>189</td><td>800</td><td>189</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table>		Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	105	150	205	Surcharge - late filing fee or cash		127	50	227	Surcharge - late provisional filing fee or cover sheet		139	180	139	Non-English specification		147	2,520	147	For filing a request for reconsideration		112	520	112	Requesting publication of SFR prior to Examiner action		119	1,840	113	Requesting publication of SFR after Examiner action		115	110	215	Extension for reply within first month		116	400	216	Extension for reply within second month		117	690	217	Extension for reply within third month		118	1,450	218	Extension for reply within fourth month		129	1,990	229	Extension for reply within fifth month		119	320	219	Notice of Appeal		120	820	220	Filing a brief in support of an appeal		121	280	221	Request for oral hearing		128	1,510	138	Petition to institute a public use proceeding		140	110	240	Petition to revive - unprejudicial		141	1,300	241	Petition to revive - unintentional		142	1,280	242	Utility issue fee (or release)		143	480	243	Design issue fee		144	800	244	Plant issue fee		122	130	122	Petitions to the Commissioner		123	50	123	Processing fee under 37 CFR 1.17 (c)		126	180	126	Submission of Information Disclosure Sheet		581	40	581	Recording each patent assignment per property (limit number of properties)		148	740	248	Filing a submission after final rejection (37 CFR § 1.129(a))		149	740	249	For each additional invention to be examined (37 CFR § 1.129(b))		179	740	279	Request for Continued Examination (RCE)		189	800	189	Request for expedited examination of a design application	
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SUBMITTED BY		Complete if applicable	
Name (Print/Type)	Francis A. Davenport	Registration No. Attorney/Agent	35,318
Signature	<i>Francis A. Davenport</i>	Telephone	609-734-6806
		Date	August 12, 2006

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2035.
 Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231.
 DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Exhibit A

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PTO/SB/04 (10-00)
Approved for use through 10/31/2002. OMB 0551-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCEPETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)Docket Number (Optional)
BTSPH097095

First named inventor: Berthold Eiberger

Application No. 09/110,615

Filed: July 6, 1998

Group Art Unit: 2613

Examiner: A. Wong

Title: Infrared Scanning Of Sprocket Holes

Attention: Office of Petitions
Commissioner for Patents,
mail stop PETITIONS,
PO Box 1450
Alexandria, Virginia 22313-1450NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$1300 (37 CFR 1.17(m)) Please charge deposit account 07-0632

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of _____ (Identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

05/31/2007 CNGUYEN2 00000085 070832 09110615

01 FC:1453 1500.00 DA

Exhibit A

PTO/SB/64 (10-00)

Approved for use through 10/31/2002. OMB 0661-0031
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. (NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

August 12, 2003

Date

Telephone
Number: 609-734-6805

Francis A. Davenport
Signature

Francis A. Davenport, Reg. 36,316

Typed or printed name

2 Independence Way

Princeton NJ 08540

Address

Enclosures: X Fee Payment

X Reply

☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(A))

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service as first class mail in a postage paid envelope addressed to: Commissioner for Patents, mail stop PETITIONS, PO Box 1450 Alexandria, Virginia 22313-1450; on the date indicated below.

Signature

Francis A. Davenport

Date:

August 12, 2003

- ☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

8/12/03

Date

Signature

Francis A. Davenport, Reg. 36,316

Typed or printed name of person signing certificate

(Page 2 of 2)

Exhibit A

MAY 30 2007 13:28 FR THOMSON LICENSING 609 734 6888 TO 815712738300 P.06

Serial No. 09/110,615

-1-

BTSPH097095

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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MAY 30 2007

Inventor(s) : Berthold Eiberger
Serial No. : 09/110,615
Filed : July 6, 1998
Title : Infrared Scanning Of Sprocket Holes
Examiner : A. Wong
Art Unit : 2613

AMENDMENT AND RESPONSE UNDER 37 CFR 1.111

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action dated January 22, 2002, please amend the above-identified application and enter remarks as follows:

Listing and Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

Certificate of Mailing under 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in a postage paid envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, Virginia 22313-1450; on the date indicated below.

Signature: J. A. SaverDate: August 12, 2003

Serial No. 09/110,615

-2-

BTSPH097095

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently amended) A film scanner comprising:

a first scanning device having a first light source for scanning frames of a cinematographic film by means of photoelectric transducers, and

a second scanning device having a second light source for scanning sprocket holes, wherein the spectral sensitivities of the first and second scanning devices lie in maximally different spectral ranges, and wherein the second scanning device is configured to detect both the beginning and the end of the sprocket holes.

2. (Currently amended) A film scanner as claimed in claim 1, further comprising wherein an optical filter ~~precedes~~ preceding at least one of the photoelectric transducers.

3. (Currently amended) A film scanner as claimed in claim 1, wherein said first and second lights sources comprise a common light source ~~is provided for the first and second scanning device~~, while at least one of the light radiation paths leading to the scanning devices incorporates an optical filter for limiting the light spectrum.

4. (Currently amended) The film scanner as claimed in claim 1, wherein ~~separate light sources are provided for the first and second scanning devices, while the light currents which can be~~ generated by the light sources are chosen to be such that their spectra substantially do not overlap.

5. (Currently amended) The film scanner as claimed in claim 4, wherein the said second light source for the second scanning device generates light in the infrared range, and the photoelectric transducer of the second scanning device is sensitive in the infrared range.

6 - 9 (Canceled)

Serial No. 09/110,615

-3-

BTSPH097095

10. (Original) A film scanner comprising:

a first scanning device for scanning frames of a cinematographic film by means of photoelectric transducers, and

a second scanning device for scanning sprocket holes and areas around sprocket holes, wherein the spectral sensitivities of the first and second scanning devices lie in maximally different spectral ranges.

11. (Original) The film scanner of claim 10, wherein an optical filter precedes at least one of the photoelectric transducers.

12. (Original) The film scanner of claim 10, wherein a common light source is provided for the first and the second scanning device, while at least one of the light radiation paths leading to the scanning devices incorporates an optical filter for limiting the light spectrum.

13. (Original) The film scanner of claim 10, wherein separate light sources are provided for the first and second scanning devices, while the light currents which can be generated by the light sources are chosen to be such that their spectra substantially do not overlap each other.

14. (Original) The film scanner of claim 13, wherein the light source for the second scanning device generates light in the infrared range, and the photoelectric transducer of the second scanning device is sensitive in the infrared range.

15. (Original) The film scanner of claim 10, wherein the light source is an infrared light source.

16 - 18 (Canceled)

Exhibit A

MAY 30 2007 13:30 FR THOMSON LICENSING 609 734 6888 TO 815712738300 P.09

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19. (Original) A film scanner comprising:

a first scanning device for scanning frames of a cinematographic film by means of photoelectric transducers; and

a second scanning device for scanning sprocket holes and areas around sprocket holes, where the spectral sensitivities of the first and second scanning devices lie in maximally different spectral ranges, and wherein the second scanning device is configured to detect a change in density of the cinematographic film surrounding the sprocket holes.

-20. (New) A film scanner comprising:

a first scanning device having a first light source for scanning frames of a cinematographic film by means of photoelectric transducers; and

a second scanning device having a second light source for scanning sprocket holes and areas around sprocket holes, where the spectral sensitivities of the first and second scanning devices lie in maximally different spectral ranges, and wherein the second scanning device is configured to detect a change in density of the cinematographic film surrounding the sprocket holes.--

8-6:57A

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REMARKS

The Office Action mailed January 22, 2002 has been reviewed and carefully considered. By this amendment, applicant has amended claims 1 -5, canceled claims 6-9 and 16-18, and added new claim 20. No new matter has been added.

Claims 1-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Poetsch (U.S. Patent No. 4,875,102). Applicant respectfully quotes the Examiner's comments with respect to Poetsch for "disclosing a first scanning device (see fig. 5 and col. 5., lines 50-68; note scanning device 14 scans cinematographic film frames)...." and "a second scanning device (see fig 5 and col. 6, lines 1-3; note scanning device 8 scans sprocket holes)...." Applicant respectfully disagrees with the Examiner's citation of elements of Poetsch. Referring to Figure 5, a scanning device 14 detects feature unsteadiness, and can consist of a light source 15 on one side of the film and a light sensor on the other side of the film, opposite lights source 15. Applicant cannot find any reference in Poetsch that suggests the use of two separate light sources for two separate and distinct scanning devices. As a matter of fact, Poetsch teaches in Figures 6-13 the use of a single light source 50, 75, 80 or 90. As such, Poetsch clearly teaches away of applicant's claimed invention in which independent 1 claim includes a first and second scanning device having separate and distinct light sources. Furthermore, with respect to independent claim 10, Poetsch does not disclose or suggest the use of two separate and distinct scanning devices for scanning different parts of the film. Withdrawal of the rejection and early allowance on the merits is respectfully requested.

Claim 19 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Poetsch in view of Tanaka. As described above, Poetsch does not disclose or suggest the use of two separate and distinct scanning devices. As such, this claim is not obvious in view of Poetsch taken singly or in combination with any other reference. Withdrawal of the rejections is respectfully requested.

Exhibit A

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New independent claim 20 has been added to the application. New claim 20 recites, inter alia, a first and second scanning device. Early allowance on the merits is respectfully requested.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's Deposit Account No. 07-0832.

Respectfully submitted,
Sieghard Hasenzahl et al.

August 11, 2003

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Exhibit A



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In re Application of
Berthold Eiberger
Application No. 09/110,615
Filed: July 6, 1998
Attorney Docket No.
PHD97.095

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AUG 29 2003
OFFICE OF PETITIONS

This is a decision in response to the petition under 37 CFR 1.137(b), filed August 14, 2003, to revive the above-identified application.

This Petition is hereby granted.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed January 22, 2002. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned on April 23, 2002. A Notice of Abandonment was mailed on June 30, 2003.

With the instant petition, Petitioner has satisfied the requirements of a grantable petition under 37 CFR 1.137(b). An Amendment in response to the January 22, 2002 Office action is filed with the instant petition. Accordingly, the petition is granted.

This application is being forwarded to Technology Center Art Unit 2613 for processing of the Amendment and for continued examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Derek L. Woods
Petitions Attorney
Office of Petitions

Event	PETN GRANTED
Deadline	
Entered	1203/09/03

EX 4/6/11 B

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